

AGENDA MEMO

CITY COUNCIL MEETING DATE: JUNE 20, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-21609 - OWNER/APPLICANT: SCHIFINI FAMILY TRUST

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (5-1/rt vote) recommends APPROVAL, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning Conformance to the conditions for Rezoning (Z-20-97), Variance (VAR-20816) and Site Development Plan Review (SDR-20812) shall be required.
2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

**** STAFF REPORT ****

PROJECT DESCRIPTION

Request for a variance to allow an 82 foot 3 inch rear setback where residential adjacency standards require a 153 foot rear setback for a 3-story office building, located on 0.7 acres adjacent to the southwest corner of the Pinto Road and Tonopah Drive.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
05/27/97	The City Council approved a Rezone (Z-0020-97) application, rezoning the Las Vegas Medical District to PD (Planned Development).
06/19/02	The City Council approved a Major Modification [Z-0020-97(33)] to the Las Vegas Medical District Neighborhood Plan to update and revise the plan document.
05/24/07	The Planning Commission recommended approval of companion items VAR-20816 and SDR-20812 concurrently with this application.
	The Planning Commission voted 5-1/rt to recommend APPROVAL (PC Agenda Item #38/lhm).
<i>Pre-Application Meeting</i>	
02/05/07	At the pre-application conference, issues were discussed relative to residential adjacency requirements, parking requirements for medical uses, and general development standards in the Las Vegas Medical District. In addition, the streetscape standards for Pinto Lane and Rose Street were discussed with the applicant.
<i>Neighborhood Meeting</i>	
N/A	A neighborhood meeting is not required as part of this application request, nor was one held.
<i>Field Check</i>	
04/04/2007	Undeveloped lot in Las Vegas Medical District area; Office next door, residential in back. Three story building being built, on the east side of Pinto Lane, south of the subject site.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.7

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	PD (Planned Development)	P-O (Professional Office)
North	Pinto Lane/Offices	PD (Planned Development)	MD-1 (Medical Support)
South	Medical Office	PD (Planned Development)	P-O (Professional Office)
East	Residential	PD (Planned Development)	P-O (Professional Office)
West	Residential	PD (Planned Development)	P-O (Professional Office)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Las Vegas Medical District	X		N
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O Airport Overlay District	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

Las Vegas Medical District

The parcel is located within the Las Vegas Medical District, which is intended to provide for future and continued development in this area of an interrelated and cohesive mix of uses in a manner that is safe, orderly, and manageable for pedestrians.

Airport Overlay District

The parcel is located within the boundaries of the Airport Overlay District; any structure over 175 feet in height requires the submittal of a Special Use Permit application. As the structure is less than the specified height, no Special Use Permit application is necessary.

DEVELOPMENT STANDARDS

Las Vegas Medical District Plan

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	N/A	0.7 acres	Y
Min. Lot Width	Existing	157.37 feet	Y
Min. Setbacks <ul style="list-style-type: none"> • Front • Side • Corner • Rear 	5 – 15 Feet 10 Feet 15 Feet 153 Feet**	15 Feet 70 Feet 15 Feet 82'3"	 Y Y N
Max. Lot Coverage	50%	40%	Y
Max. Building Height	2 Stories (35 Feet)	50 Feet	N
Trash Enclosure	N/A		N/A

****Rear setback of building does not meet residential adjacency standards.**

Residential Adjacency Standards	Required/Allowed	Provided	Compliance
3:1 proximity slope	153 Feet	82'3"	N

ANALYSIS

The applicant is proposing to construct a 15,000 square-foot three-story general office and medical office building on the north east corner of the parcel. The Las Vegas Medical District Plan Standards allow a two story building up to 35 feet in height, within the PO (Professional Land Use) designation, to be constructed to the applicable setback line that is established in the zoning district in which the property is located. The proposed building height of 50 feet exceeds the allowable 35 feet and is subject to Residential Adjacency Standards in the rear yard, which requires a 153 foot setback from the rear property line. A rear yard building setback of 82 feet 3 inches is shown on the submitted site plan. An additional 70 feet and 7 inches is required to meet the 153 foot setback, therefore, the building is not in compliance with the required Residential Adjacency Standards.

The applicant cites parcel size as the reason for the Variance request, which is contrary to the listed criteria for whether or not a Variance is warranted. Staff recommends denial.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by overbuilding the site. Alternative is to design a smaller building on the site which would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

16

ASSEMBLY DISTRICT 6

SENATE DISTRICT 3

NOTICES MAILED 123 by City Clerk

APPROVALS 0

PROTESTS 0